

ALASKA AELS BOARD

February 2005

Quarterly Board Meeting

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AELS Quarterly Board Meeting

The Board of Registration for Architects, Engineers, and Land Surveyors (AELS) held its quarterly board meeting on February 17-18, 2005.

Board members in attendance were: Donald J. Iverson, Chair; Linda Cyra-Korsgaard, Vice-Chair; Clifford Baker, Boyd Brownfield, Craig Fredeen, Richard Hughes, Scott McLane, Kenneth Maynard, Kimberly Mills, and Patricia Peirsol.

Participating by teleconference for portions of the meeting was:

Robert Gilfilian, Secretary

AELS Staff in attendance were:

Nancy Hemenway, Administrator; a Julie Adamson and Eleanor Vinson, Licensing Examiners; John Clark, Investigator.

Cyra-Korsgaard was excused on February 18, 2005.

Some highlights of the meeting:

Disciplinary action Taken

The Board reprimanded Leslie Frank Stallings, PLS, # 8182, and placed a reprimand in his file as follows: "The Board hereby reprimands you, Leslie Frank Stallings, for failing to meet obligations as a PLS registered in Alaska. Your improper setting and recording of monuments has placed property in jeopardy of loss. The Board views your conduct as a serious violation of the public trust and a failure to uphold the ethical standards of your profession. These failures on your part have detracted from the professionalism that you

must maintain in order to practice land surveying in the State of Alaska."

Mr. Stallings entered into a Memorandum of Agreement with the Board, agreeing to additional education by completing a tutorial course and to bear the costs of the course. The course is anticipated to be completed May 31, 2005. In addition, he must complete a correspondence course in professional ethics within one year, and his license is restricted and he is limited to perform mortgage surveys until the course is completed. He agreed to a peer review of the first 15 mortgage surveys, or those completed within a one-year period. He must also hire a PLS to review the next 15 plats filed with the State's Recorders office that affect property lines or monuments, or those plats performed within a 3-year period.

Proposed Regulation Changes

The Board asked to have public noticed draft regulations in several areas:

- 1) To create a Landscape Architect mentoring program in order to enable interns to obtain work experience under a registered landscape architect;
- 2) To change the name of the land surveyor examinations to reflect the NCEES re-naming the examinations;
- 3) To reference "mortgage survey standards" adopted by the ASPLS;
- 4) To adopt "inclusions and exclusions of practice" in order to recognize changes made by the national organization (NCEES) to recognize GIS and Photogrammetrists, with respect to surveying

The Board **adopted proposed regulation changes**, which go to the Department of Law for review before final adoption by the Lt. Governor:

- 1) Sealing Specifications to clarify current statutory requirements;
- 2) Canadian applicants can submit 2 letters of support from P.Engs or PEs instead of 24 months verified experience under a US registered engineer), and are eligible for licensure so long as they pass the PE exam and meet arctic requirements; and
- 3) Annual adoption of the architect education standards (technical changes). The project was public noticed through Dec. 17, 2004. The Board considered comments, adopted the project, and asked the Exec. Administrator to forward them to the Department of Law for its final review (See Nov. 2004 meeting summary posted to this website for more specific language).

Proposed draft regulations public noticed through March 11, 2005:

The Board conceptually adopted proposed regulation changes at its November 18-19, 2004 meeting that would allow its staff to solely review certain applications in order to expedite processing.

Comity applicants would be eligible for expedited processing if they have met national council certification. The Legislative Legal attorney reviewed the draft project and requested that it be rewritten. The attorney would prefer the proposal simply refer to a specific checklist adopted by the Board, rather than list the requirements that need to be satisfied for licensure. In the latter instance, it could be construed that the proposal gave staff discretionary authority that was not allowed. The revised project will be taken up at the June 2-3 meeting, along with any comments received. However, the purpose of the proposed change is still to achieve expedited processing for those applicants who achieve national certification.

More details on the proposed project:

12 AAC 36. 103, 105, 107:
Architects, Engineers, and Land Surveyors by Comity. The Board recommends expedited processing for Engineers holding an NCEES Council Record stamped "Model Law Engineer", Land Surveyors holding an NCEES Council Record stamped "Model Law Land Surveyor", and for Architects holding a "Blue Book" NCARB Council Record Certificate. The draft regulations would allow staff to issue licenses to the applicants certified by NCARB and NCEES who have met the council certification and any additional state requirements (such as arctic engineering; or state examination for surveyors).

Future Regulations Project

The Board is considering expanding the engineering disciplines it licenses and would like feedback from licensees and professional societies in reference to adding environmental, control systems, and geological engineering as engineering disciplines in Alaska.

Public Comment

The Board took written and public comment from numerous people interested in the NCEES Policy #25 and a fire protection engineering license. Policy #25 was adopted by NCEES which urged states to have engineering oversight on all fire protection designs.

The feedback was substantial, with the bulk of the written and oral comments supporting the current system in Alaska, allowing NICET level III and IV technicians to provide design services as licensed by the State Fire Marshal under 13 AAC 50.35.

The Board wanted to make clear that it was not taking any formal action on these issues and was interested in notifying Alaskans of this national policy and receiving public comment.

It was noted that statutes in AS 08.48 may conflict with the fire protection licensing granted under

13 AAC 50.35. It may be necessary to make some changes to be sure its statutes and regulations support the way services are offered in the current system.

Discussions were held during this Board meeting on the NCEES Policy #25 and its applicability to Alaska. Though an initial view was that the policy would not be adopted in Alaska, the Board stated that it would continue to review how fire protection projects were completed to ensure that proper checks and balances were in place and that the public was safe.

The Board will continue its review of these issues through its upcoming June meeting in Fairbanks and its August meeting in Anchorage to ensure that fire protection providers and authorities have ample opportunity to participate.

The Alaska Professional Design Council (APDC) held its fly-in during February, overlapping with the AELS meeting. Some APDC members attended portions of the AELS meeting. Comments included:

Terry Schoenthal, Landscape Architect, APDC, spoke in support of making the Landscape Architect Board member permanent.

Pat Kalen, PLS, APDC, asked to continue as an emeritus Board member; spoke in favor of mandatory CE for Land Surveyors, and urged the board to define incidental practice for engineering and architecture.

Shawn Florio, PE, President, APDC, introduced himself, and stated that he is willing to work on issues with the Board.

Legislative Requests/Sunset Audit

Sunset Audit The AELS Board "sunset" every four years and the end date is June 30, 2005. As part of the process, the Legislative Budget and Audit (LBA) reviews the AELS Board activities and prepares an audit report with its recommendations.

HB 35, the "sunset bill" was introduced by Rep. Tom Anderson. The Board adopted several recommendations the legislative auditors made, including making the landscape architect member

a permanent, voting member. The House Finance Committee subsequently amended the bill.

HB 35 would extend the Board until June 30, 2009. The bill is currently before the House Rules Committee, awaiting floor action.

Other Legislative Requests:

Temporary Stop Work Orders The Board seeks statutory authority for its investigator to temporarily halt a project to ensure health and safety are met by having the oversight of registered architect and/or engineers. The Board has found that when unlicensed practice is discovered on a large residential, commercial or public project, some owners will pay a fine for the unlicensed practice, but the work continues.

HB 172 was introduced by Rep. Tom Anderson, but it has not been scheduled for a hearing. The Board is working to more fully understand problems within the investigative process to enable it to request any changes to the bill, if necessary. The Division does not support the bill as currently written.

Specialty Contractors The Board continues to have concerns about the current exemption under AS 08.48.331 (7) for specialty contractors. The Board's Investigator reports that some specialty contractors perform unlawful design work under the auspices of the specialty contractor exemption.

It was further noted that this exemption might not allow the current practice of fire protection design by NICET III and IV technicians. The Board will look into a bill that would clarify both situations.

Subgroups

The subgroups reported back to the Board progress on issues assigned to subgroups:

Engineering Disciplines subgroup led by Gilfilian (Chair), members Iverson, Hughes, Fredeen, and McLane. The subgroup is looking at expanding licensing engineers to include control

systems, environmental, and geological engineering disciplines.

The Board decided to pull fire protection engineering from the proposal at this time, but will work to get feedback on expanding disciplines, and carefully examine how licensure would affect engineers offering services that are included in their current scope of practice.

The Board is exploring its intention to recognize more specialties but not prevent engineers currently qualified to practice environmental, control systems, or geological engineering (as civil, electrical, chemical, mechanical, mining, and petroleum engineers) from continuing to offer the specialty.

The Incidental Practices subgroup reported a timeframe to work on identifying incidental practice of minor importance, and is currently reviewing Alabama's and New Mexico's regulations (architects/engineers).

The Subgroup will report back at its June meeting. Work will also continue on any overlaps between landscape architecture and other design professions; and land surveyor and engineering functions.

The Incidental Practices subgroup is led by Maynard, Chair, and members are Brownfield, Baker, and Cyra-Korsgaard.

The Western Zone Host Subgroup reported on the 2005 Western Zone meeting planning. Initial registration packets were sent electronically, with final packets to be mailed in March. Final donations, and gift packs need to be completed. The dinner was changed to a dinner cruise out of Whittier for the same cost. The subgroup is led by Mills, Chair, and members are Peirsol, Iverson, Brownfield, and Fredeen, with assistance from former Board members Miller and Kalen.

The meeting will be held at the Marriott Hotel on May 19-21, 2005.

The Continuing Education (CE) subgroup is considering if Alaska should have a mandatory requirement

for continuing education for license renewal. Some professional societies have asked for more time to assess their membership's position on a mandatory program. The Board will continue to solicit input from professional groups.

The Board requested draft regulations be public noticed for land surveyor mandatory Continuing Education for renewal cycle 2007, and plans to send a letter to surveyors asking for specific feedback. The subgroup is led by Brownfield, and members are Fredeen, Maynard, and McLane. ISN'T BAKER INVOLVED?

What's New

Board Elections

The Board elected new officers: Kenneth D. Maynard, FAIA, Chair; Craig Fredeen, PE, Vice-Chair; and Kimberly Mills, Public Member, Secretary-Treasurer.

The Board anticipates 3 new members to be assigned in March to the Board for Board member terms of outgoing members:

Donald J. Iverson, PE
Scott McLane, PLS, and
Patricia Peirsol, Architect.

Continuing Education Land Surveyors will get a letter explaining the Board's proposal to require mandatory Continuing Education, if adopted, to be met as a condition of renewal in 2007, and asking them for feedback.

Electronic Signature and Transmittals of Drawings

The Board held a lengthy discussion about the requirements for signing drawings and how those drawings may be electronically transmitted, but did not reach any final conclusions. The subgroup will continue to review the matter and report back at its June meeting.

The Board requires a "wet signature" and either a "wet date" or an AutoCAD applied date on the date the professional architect, engineer, land surveyor, or landscape architect takes responsibility for the drawings. A date within the title block will not suffice. The date must be "within or contiguous to the seal".

04/21/05

Samples of the seal are posted to the Board's website at www.commerce.state.ak.us/occ/pael.htm.

Engineering Disciplines: The Board is considering if it should license additional disciplines such as control systems engineers, environmental engineers, geological engineers. Fire protection engineering will not be considered until further review is completed.

Other Updates

The Board met with the Division Director, Rick Urion. The Board discussed support for:

- site investigations by the agency investigators;
- stop work order legislation (to ensure compliance to protect the public health and safety).

Applicant Files Reviewed

The Board reviewed 176 applicant files: the Board approved 171 applicant files for examination or comity licensure for architects, engineers, land surveyors, and landscape architects. The Board found 3 applications incomplete; and denied 2 applicants; one for PLS Exam, and one for FE Waiver, (although the applicant is approved to sit for the FE Exam.

AELS Deadlines

All applications for comity and any supporting documents are due in the *Juneau office* no later than **May 23, 2005** to be considered at the next AELS meeting scheduled for June 2-3, 2005. The meeting will be held at the University of Alaska, Fairbanks, Wood Center, Memorial Conference Room

April/October NCEES exams: The Board's staff will oversee engineering and surveying examinations on April 15-16, 2005, in Anchorage, Fairbanks, and Juneau.

All applications for PE, PLS, FE and FLS, examinations and any supporting documents are due in the *Juneau office* no later than August 1, 2005 (must be

received by the Juneau office) in order to sit for the October 28-29, 2005 NCEES exams. The deadline for NCEES examination retakes is Sept. 12 (Oct. exams).

Regional and National Participation

Bob Gilfilian volunteers on a national NCEES Committee on Examinations for Professional Engineers.

Linda Cyra-Korsgaard serves as a "grader" to score the LARE exams for the Council of Landscape Architectural Registration Boards (CLARB).

Patricia Peirsol serves on the NCARB Professional Development Committee.

Kenneth Maynard, FAIA, serves on the ARE Construction Document Subcommittee.

Former AELS Board members serve as **emeritus members** on the following committees:

Lance Mearig, PE, serves on the NCEES Examination Policy and Procedures (EPP) Committee.

Robert Miller, Ph.D., PE, serves on the NCEES Task Force: Engineering Licensure Qualifications Task Force (ELCOG); and

Pat Kalen, PLS, serves on the NCEES Committee for Uniform Procedures and Legislative Guidelines (UP & LG) and on the Western Zone as Chair of the Nominating Committee

Staff Reports

Investigator's Report

John Clark, Occupational Licensing Investigator for the AELS Board, reported the status on the investigative cases and actions. The report is located on our website at: <http://www.commerce.state.ak.us/occ/pael21.htm>

Building Officials Manual

The Building Official's Manual is posted to the AELS Website at <http://www.commerce.state.ak.us/occ/pael.htm>. The Board considers it to be a working document, and welcomes your comments.

Interested Parties List

To sign up to receive any proposed regulations that are public noticed by the agency, please contact: Jun Maiquis, Regulations Specialist, Division of Occupational Licensing, Dept. of Commerce, P.O. Box 110806, Juneau, AK 99811-0806, or by email:

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